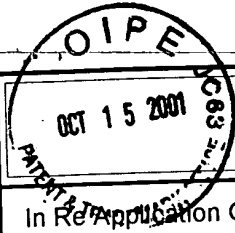


1651



TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
MTSU-1001US

In Re Application Of: **Araki, et al.**

Serial No.	Filing Date	Examiner	Group Art Unit
09/806,925	6/20/01	R. Davis	1651

Title: **PREVENTATIVES OR REMEDIES FOR INFECTION, ANTI-ENDOTOXIN AGENTS, VACCINE AND GROWTH PROMOTERS**

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TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is:

Response to Restriction Requirement

in the above identified application.

- ☒ No additional fee is required.
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- ☒ The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. **50-0462** as described below. A duplicate copy of this sheet is enclosed.
 - ☐ Charge the amount of _____
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Jianzhong Shen for, Reg. No. 48076

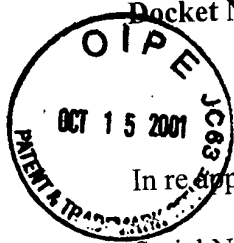
Signature

Dated: **October 11, 2001**

Kevin J. Dunleavy - Registration No. 32,024
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CC:

I certify that this document and fee is being deposited on October 11, 2001 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.	
<i>Jianzhong Shen for</i> Signature of Person Mailing Correspondence	
Kevin J. Dunleavy Typed or Printed Name of Person Mailing Correspondence	



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: application of: ARAKI et al.

Serial No.: 09/806,925

Group Art Unit: 1651

Filed: 6/20/2001

Examiner: R. Davis

For: **PREVENTATIVES OR REMEDIES FOR INFECTION,
ANTI-ENDOTOXIN AGENTS, VACCINE ADJUVANTS
AND GROWTH PROMOTERS**

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

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In response to the Office Action dated September 11, 2001, Applicant provisionally elects Group I, claims 1-15, for initial examination on the merits with traverse for the reasons that follow. Claims 1-60 are currently pending in the application.

In the Office Action dated September 11, 2001, restriction was required between the following:

- Group I, claims 1-15, drawn to a therapeutic composition;
- Group II, claims 16-30, drawn to a vaccine adjuvant;
- Group III, claims 31-45, drawn to an anti-endotoxin;
- Group IV, claims 46-60, drawn to a growth promoter.

The independent claims 1, 16, 31 and 46 are reproduced below for the Examiner's convenience.

1. A preventive or remedy for infection comprising a sugar cane-derived extract as an active ingredient.

16. A vaccine adjuvant comprising a sugar cane-derived extract as an active ingredient.

31. *An anti-endotoxin agent comprising a sugar cane-derived extract as an active ingredient.*

46. *A growth promoter comprising a sugar cane-derived extract as an active ingredient.*

The present application is the U.S. national stage of a PCT application. Therefore, PCT Rule 13 should be applied to determine the unity of invention in this patent application. The test for a single general inventive concept under PCT Rule 13 is whether the claims include the same or corresponding special technical features.

In addition, according to MPEP §1893.03(d),

The principles of unity of invention are used to determine the types of claimed subject matter and the combinations of claims to different categories of invention that are permitted to be included in a single international or national stage patent application. The basic principle is that an application should relate to only one invention or, if there is more than one invention, that applicant would have a right to include in a single application only those inventions which are so linked as to form a single general inventive concept.

A group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. The expression special technical features is defined as meaning these technical features that define the contribution which each claimed invention, considered as a whole, makes over the prior art.

Therefore, the Examiner should look to the features of the claims and make a determination as to whether among these claimed features, there is a common special technical feature which links the claims to form a single inventive concept.

In the present application, all the pending claims include a common special technical feature "a sugar cane-derived extract as an active ingredient." Accordingly, pending claims 1-60 should be examined together since all the pending claims satisfy the unity of invention requirement under PCT rule 13. Favorable consideration and withdrawal of the restriction requirement is respectfully requested.

A speedy and favorable first Office Action on merit is respectfully solicited.

Respectfully submitted,

Jianzhong Shen for, Reg. No. 48076

Kevin J. Dunleavy
Registration No. 32,024

Date: *Oct. 11, 2001*

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